

REMARKS/ARGUMENTS

The Office Action mailed February 8, 2005 has been carefully considered.

Reconsideration in view of the following remarks is respectfully requested.

With this response it is respectfully submitted the claims satisfy the statutory requirements.

The First 35 U.S.C. § 103 Rejection

Claims 1-3, 8-11, 16-19, 24-27 and 32 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Goldberg et al.¹, among which claims 1, 9, 17 and 25 are independent claims. This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.²

Specifically, the Office Action contends that the elements of the presently claimed invention are disclosed in Goldberg except that Goldberg does "not explicitly teach of if said session is inactive, verifier updating said session if said user is identified on an other port".³ The Office Action further contends that it would be obvious to one having ordinary skill in the art at

¹ U.S. Patent 6,816,455

² M.P.E.P § 2143.

³ Office Action ¶ 2.

the time of the invention to modify Goldberg "so that it would modify session database (update) based on tracking connection state information. The Applicant respectfully disagrees for the reasons set forth below.

First, the Office Action admits that Goldberg does not teach "if said session is inactive, verifier updating said session if said user is identified on an other port", but does not provide a specific reference where such a limitation is found, instead arguing that one of ordinary skill in the art would have found it obvious to modify the invention in Goldberg to arrive at the additional claim limitation. Therefore, applicant assumes that the Office Action intended to take official notice of facts under M.P.E.P. 2144.03 that the rationale supporting the obviousness rejection is based on common knowledge in the art or "well-known" prior art. Under M.P.E.P. 2144.03, "[i]f the applicant traverses such an assertion the examiner should cite a reference in support of his or her position." Applicant hereby traverses the assertion and requests that a reference be cited in support of the position outlined in the Office Action.

Second, as to the assertions of Goldberg's teachings stated in the Office Action, Applicant respectfully disagrees for the following reasons.

Goldberg does not teach "a user identified on said port" or "searching for said user in said list of one or more ports"

The Office Action alleges that Col. 2, lines 15-65 and Col. 3, lines 1-15 of Goldberg teach a list of one or more active session... a verifier communicating with a first memory, the

verifier periodically checking a session in the list of one or more sessions, the verifier searching for the user in the list of one or more ports."

Contrary to what is stated in the Office Action, Goldberg does not teach, either explicitly or implicitly, "a user identified on said port" or "searching for said user in said list of one or more ports." Goldberg describes storing session and socket information (Col. 2, lines 24-38). There is no evidence that Goldberg associates users with ports. There is no evidence anywhere in Goldberg that it would even care which user corresponds to which port. Goldberg performs packet filtering by tracking which session a packet belongs to. It accomplishes this by comparing socket information of the packet to a hash table of sockets corresponding to sessions. The socket information includes the source and destination IP address, source and destination port number, and protocol (Col. 2, lines 24-38). Thus, if a user utilized a new port for transmission, for example if the user was roaming, then Goldberg would not match the user with his previous session as the socket information would not match due to the new source port number.

As such, not only does Goldberg not teach "a user identified on said port", but also "searching for said user in said list of one or more ports". There would be no reason for Goldberg to search based on user because no user-port correspondence is tracked. Goldberg only searches based on socket information, of which user is not a part. Therefore, Applicant respectfully submits that claim 1 is in condition for allowance.

Independent claims 9, 17, and 25 contain elements similar to that as described above with respect to claim 1, and thus Applicant respectfully submits that claims 8, 17, and 25 are also in condition for allowance.

As to dependent claims 2, 3, 8, 10, 11, 16, 18, 19, 24, 26, 27 and 32, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

The Second 35 U.S.C. § 103 Rejection

Claims 4, 5, 12, 13, 20, 21, 28 and 29 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Goldberg et al. as applied to claim 1 above, and further in view of Raab et al.,⁴. This rejection is respectfully traversed.

As to dependent claims 4, 5, 12, 13, 20, 21, 28 and 29, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

The Third 35 U.S.C. § 103 Rejection

Claims 6, 14, 22 and 30 were rejected under 35 U.S.C. § 103(a) as being allegedly

⁴ U.S. Patent 5,751,967

unpatentable over Goldberg et al. as applied to claim 1 above, and further in view of Beadle et al.,⁵. This rejection is respectfully traversed.

As to dependent claims 6, 14, 22 and 30, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

The Fourth 35 U.S.C. § 103 Rejection

Claims 7, 15, 23 and 31 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Goldberg et al. and Raab et al., and further in view of Beadle et al.. This rejection is respectfully traversed.

As to dependent claims 7, 15, 23 and 31, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

⁵ U.S. Patent 6,766,373

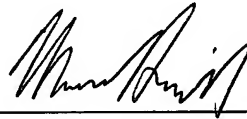
If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

THELEN REID & PRIEST, LLP

Dated: April 22, 2005



Marc S. Hanish

Reg. No. 42,626

Thelen Reid & Priest LLP
P.O. Box 640640
San Jose, CA 95164-0640
Tel. (408) 292-5800
Fax. (408) 287-8040